

*elevated above said crossbar.* Further, a flexible link is *releasably connected to the opposed ends of said crossbar.* The result is a necktie holder that can be easily centered upon, and suspended from, the bottom of a buttonhole of a shirt. Furthermore, with the releasable connection of the flexible link, the necktie holder can be changed to suit the preferences of a wearer and to prolong the useful life of the link. It is respectfully submitted that neither Johnson nor Albright, whether considered alone or in combination, teaches the construction of Applicant's necktie holder.

The primary reference relied upon by the Examiner is the patent to Johnson which shows a cravat holder that differs in concept from the Applicant's holder in that it is intended to be secured by means of a spring clip/jaw 11 to a shirt flap 14. In any event, Johnson fails to teach the use of a retainer that is arched above a crossbar as is claimed by the Applicant. Instead, as is shown in Figs. 1-3, the tops of portions 17 and 21 of the Johnson's retainer are cut away so that no portion thereof reaches the height of crossbar 10, let alone extends above crossbar 10. Equally important, Johnson does not include a flexible link that is releasably connected to a crossbar, despite the Examiner's assertion otherwise. Johnson simply provides no features that permit link 27 to be released.

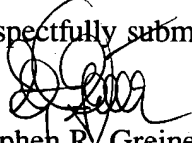
The Examiner recognizes that claims 1 and 2 are not met by Johnson but, nevertheless, contends that the teachings of Albright somehow make claims 1 and 2 obvious. Assuming, for the sake of argument, that some teaching exists in Albright to support its combination with Johnson, the combination still fails to meet claims 1 and 2 since Albright fails to teach the use of an arched retainer as claimed. Furthermore, Albright fails to show a flexible link that is releasably connected to the opposed ends of a crossbar as claimed since a ring 26 prevents Albright's link 25 from being disconnected or released from crossbar 10.

Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being unpatentable over Anderson (U.S. Pat. No. 3,319,305) in view of Albright (U.S. Pat. No. 2,059,301) and Johnson (U.S. Pat. No. 2,592,155). Here, the references cited by the Examiner do not provide a legitimate basis for the rejection of claims 3 and 4 since none of the cited references discloses a retainer *having a cut along the length thereof permitting said central portion to be selectively divided*. The retainer of Anderson has separate parts 24 and 24A clamped together by an eyelet and, as such, cannot be "selectively divided," or moved apart, as the term is used in the Applicant's specification. Furthermore, since neither Albright nor Johnson teaches the use of a chain that is *releasably connected to the opposed ends of a crossbar*, as discussed above, the proposed combination cannot meet the limitations of claims 3 and 4. Accordingly, the Examiner is asked to reconsider his rejection of claims 3 and 4.

Claim 5 was rejected in view of the references cited immediately above and further in view of Crawford (U.S. Pat. No., 1,784,482) that shows the use of a single clasp 17 in a product for use with lingerie. Claim 5 calls for a *pair of clasps on a chain* for releasably connecting such to a crossbar. Since none of the remaining references cited by the Examiner suggest the use of a pair of clasps, the rejection of claim 5 is believed to be improper and should be withdrawn.

Accordingly, it is respectfully submitted that this application is in condition to be passed to issue. If such is not determined to be the case, however, the Examiner is respectfully requested to call the undersigned attorney at the number given below in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

  
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